

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JAN 29 2009
JOHN F. CORCORAN, CLERK
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UNITED STATES OF AMERICA)
v.) Criminal Action No. 6:08cr34
DAVID EISENLOHR) By: Hon. Michael F. Urbanski
) United States Magistrate Judge

ORDER

Following a detention hearing on December 19, 2008, an order setting conditions of release for defendant David Eisenlohr (“Eisenlohr”) was entered by the court (Docket #14). These conditions of release prohibit Eisenlohr from selling and/or distributing visual depictions of naked persons, and require him to surrender all products and stored inventory containing such images to the United States Pretrial Services Office. Eisenlohr was further ordered to terminate all internet access.

After Eisenlohr's release and during the course of his supervision, the United States Pretrial Services Officers in the Central District of California determined that Eisenlohr had in his possession a computer that may contain materials prohibited by the order setting conditions of release. A Petition for Action on Conditions of Pretrial Release was filed, and on January 9, 2009, the court ordered Eisenlohr to surrender his computer to the United States Pretrial Services Officers (Docket #21).

The parties appeared before the undersigned at a telephonic conference on January 28, 2009, at which time counsel for Eisenlohr relayed defendant's concern that his home computer contained certain research, case law and other documents relevant to his defense of this case. The court and the parties, by counsel, discussed various means

of allowing Eisenlohr or his counsel access to these materials, which he claims are necessary to his defense.

After discussing several options, counsel for Eisenlohr and the United States agreed as follows:

1. Eisenlohr shall be permitted to print from his home computer in the presence of United States Pretrial Services Officers any word processing documents relevant to his defense of this matter. No visual depictions of any kind may be printed.
2. The United States Pretrial Services Office is directed not to review the substance of the printed word processing documents in order to protect any attorney-client privilege that may attach to these materials.
3. No documents, images or other files shall be deleted from this computer.
4. After the documents relevant to Eisenlohr's defense have been printed, the United States Pretrial Services Office in the Central District of California is directed to take custody of this computer and properly store it. The files contained on this computer shall not be searched absent further order of this court or other lawful process.

It is **SO ORDERED.**

The Clerk of the Court hereby is directed to send a copy of this Order to all counsel of record.

Enter this 28 day of January, 2009.



Michael F. Urbanski
United States Magistrate Judge